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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,042	12/21/2001	Ramesh Jain	VIRAGE.020C1	6185

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EXAMINER

SHAH, SANJIV

ART UNIT PAPER NUMBER

2176

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,042

Applicant(s)

JAIN-ET AL. 26

Examiner

Sanjiv D. Shah

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,360,234. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the limitations in the instant claims are covered by patented claims. The only difference is that instant claims are broader by deleting some claimed limitations from the patented claims. It would have been obvious for a person with ordinary skill in the art at the time the invention was made to create a video cataloger as claimed because it provides wider coverage to digital as well as analog meta-data track.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-8, 10-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruz et al. (Patent # 5,613,032).

As per claims 1, 19, Cruz discloses a "video cataloger" in figures 2 and 3A. The processor (300) performs the functions of "receiving video information" (310) and "a plurality of time codes" (322), and "concurrently generating a plurality of digital metadata tracks...." (335, also fig 3B, abstract). Cruz et al. teaches what constitutes « metadata tracks ». See abstract, lines 3-12, in which Cruz discloses, the recording sources each captures a continuous temporal record or track of the multimedia event and transmits the captured track to the source preprocessor where tracks are coded into digital blocks and digitized blocks of tracks received simultaneously are time stamped with the same

relative time, and therefore synchronized in time. Tracks of the multimedia event are also compressed and preprocessed to generate **other representations of the multimedia event**, which further assists users in searching through the multimedia event (emphasis added). Refer also to Cruz's fig 3B, which illustrates a track-mapping table. Here it is clear that the tracks include "metadata", i.e., data that includes information indicative of the information contained in the multimedia data. Regarding "plurality of video encoders", in fig 3A, Cruz illustrates processing and digitizing multimedia data from a plurality of recording sources (310, 320), and therefore, at least implicitly teaches the "plurality of video encoders".

Cruz implicitly teaches "wherein the video cataloger controls the video encoders to start and stop encoding and stores the start time of each encoder so that the time codes associated with the digital metadata tracks and the stored start times permit selective access to the encoded digital video data". See Cruz's abstract (last few lines), in which he discloses adjusting the delivery of tracks based upon relative time information associated with a new position established after searching through a track of multimedia event.

As is noted above, Cruz teaches generating time codes (as opposed to the claim of the instant invention, which recites "receiving....a plurality of time codes"). However it would have been obvious to one of ordinary skill in the art at the time of the invention to "receive time codes" because it was notoriously well known in the art at the time of the invention to include time codes in multimedia data.

As per dependant claims 2-8, 10, 20, 21, and 10, refer to Cruz's fig 3B and col. 5 (lines 42 et seq), in which he discloses various data sources.

As per claim 11, 12 and 22, 23 refer to the rationale relied upon in rejecting claim 1. Furthermore regarding "storing actual start times associated with the start command for each digital encoder at the video cataloger", refer to Cruz's fig 3A (310, 320, 322). It is noted that Cruz does not explicitly teach "storing actual start times associated with the start command", but it would have been obvious to one of ordinary skill in the art at the time of the invention to do so in view of his teaching of time stamping the digitized information. Since the track mapping store (335) is directly associated with the digitizer (320), it follows logically (See the information flow in fig #A) that the "start command" will be directly associated with a time stamp.

As per dependant claims 13-18, refer to Cruz's fig 3B and col. 5 (lines 42 et seq), in which he discloses various data sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanjiv D. Shah whose telephone number is (703) 305-8355. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sanjiv D. Shah
Primary Examiner
Art Unit 2176

S. Shah
October 16, 2004